

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Tama Budaj Raab PC v Evert L Foote**
Docket No. **301351**
L.C. No. **10-000221-CK**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. Neither the October 28, 2010 order denying the motion to set aside the default judgments nor the November 5, 2010 order denying reconsideration of the former order is a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Rather, the final orders in this case are the July 20, 2010 default judgments. *Allied Electric Supply Co, Inc v Tenaglia*, 461 Mich 285, 288-289; 602 NW2d 572 (1999). Notably, the claim of appeal cannot be saved by treating it as being taken from those default judgments because it was not filed within 21 days after entry of the default judgments and no postjudgment motion for relief from the default judgments was filed, or extension of time by the trial court for filing such a motion granted, by the trial court within that 21-day period. MCR 7.204(A)(1)(a)-(b). At this time, appellants may seek to appeal any of the mentioned judgments or orders only by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 29 2010

Date

Sandra Schultz Mengel
Chief Clerk